



10TH PERMANENT CONFERENCE OF THE EUROPEAN CAPITALS' TRADE UNIONS

**16,17,18 SEPTEMBER 2010
ATHENS**

København, den 1.7.2010

Resolution

The 10th Permanent Conference of the European Capitals' Trade Unions call for a stronger social protection in the EU's legal framework

The four cases at the European Court of Justice (ECJ) of Viking, Laval, Rüffert and Luxembourg have exposed the weaknesses of the current EU legal framework applicable to fundamental social rights and the free movement of workers and services.

They have created major social unrest and are endangering social partnership models.

a) the ECJ confirmed a hierarchy of norms, with market freedoms highest in the hierarchy, and the fundamental social rights of collective bargaining and action in second place;

b) the ECJ interpreted the Posting Directive (covering workers that cross the borders in the framework of services), in a very restrictive way, limiting the scope for Member States and trade unions to take measures and action against 'social dumping' and to demand better protection and equal treatment of local and migrant workers in the host country.

As the new EU Treaties (in Article 3 (3), subparagraph 3, TFEU) say very explicitly: "*The Union shall work for (...) a highly competitive social market economy, aiming at full employment and social progress*".

Thus, **The 10th Permanent Conference of the European Capitals' Trade Unions** supports the ETUC proposal for a Protocol on the relation between economic freedoms and fundamental social rights in the light of social progress ('Social Progress Protocol'). This should be attached to the Treaties; to make it absolutely clear that all free movement provisions of the Treaty must be interpreted in a way which respects fundamental rights, and to embed this in the broader concept of social progress and the harmonizing upwards of working conditions and social systems.

The Social Progress Protocol' would have as its objective to clarify the relation between the internal market and fundamental social rights.